

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

<b>TRACY ANDRIANO,</b>	)	<b>Docket No. 3:15-CV-0863</b>
	)	
<b>Plaintiff,</b>	)	
	)	<b>JUDGE CRENSHAW</b>
<b>v.</b>	)	<b>MAGISTRATE JUDGE HOLMES</b>
	)	
<b>TYSON FOODS, INC.,</b>	)	<b>JURY DEMAND</b>
<b>TYSON FRESH MEATS, INC.,</b>	)	
<b>a subsidiary of Tyson Foods, Inc.</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANTS' MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendants Tyson Foods, Inc. and Tyson Fresh Meats, Inc. (collectively referred to as “Tyson”) submit this Motion for Summary Judgment. Tyson requests that the Court grant this motion and enter an Order dismissing Plaintiff Tracy Andriano’s (“Plaintiff”) claims against it, as a matter of law, with prejudice. In support of this motion, Tyson states:

Plaintiff alleges that she was subjected to a sexually hostile work environment and then retaliated against for complaining about the sexual harassment. [Complaint (“Compl.”), Dkt. No. 1].<sup>1</sup>

Plaintiff’s sexual harassment claim is without merit because she is unable to establish that (1) the harassment was objectively and subjectively severe or pervasive; or (2) that Tyson is liable. Additionally, Plaintiff’s retaliation claim is without merit because she cannot establish that (1) Tyson took adverse action against her; (2) there was a causal connection between her sexual

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<sup>1</sup> Plaintiff’s Complaint references a claim for “gender discrimination.” [Compl. ¶ 43]. During her deposition, Plaintiff clarified that her gender discrimination claim is based only on her sexual harassment allegations. [Tracy Andriano Deposition (“Andriano Dep.”) at 138:20-139:19].

harassment complaint and any adverse action; or (3) Tyson's legitimate, non-retaliatory reasons for its actions are pretextual. Accordingly, both of Plaintiff's claims fail as a matter of law and should be dismissed.

In further support of this motion, Tyson relies on the following materials, which have been contemporaneously filed:

1. Statement of Driton Gashi, Exhibit 1 to Motion for Summary Judgment;
2. Deposition of Tracy Andriano, with cited exhibits;
3. Excerpts from the Deposition of Audrey Cooper, with cited exhibits;
4. Excerpts from the Deposition of Simona Thomas;
5. Excerpts from the Deposition of Steve Voller, with cited exhibits;
6. Excerpts from the Deposition of Maria Dorris;
7. Excerpts from the Deposition of Steve Ligon;
8. Declaration of Simona Thomas;
9. Defendants' Memorandum of Law in Support of Its Motion for Summary Judgment;

and

10. Defendants' Statement of Undisputed Material Facts in Support of Its Motion for Summary Judgment.

WHEREFORE, Tyson requests that the Court enter an Order granting it summary judgment, pursuant to Federal Rule of Civil Procedure 56, because there is no genuine issue as to any material fact and Plaintiff's claims fail as a matter of law.

Respectfully submitted,

s/ Kenneth A. Weber

Kenneth A. Weber, BPR No. 015730

Megan M. Sutton, BPR No. 029419

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, P.C.

Baker Donelson Center

211 Commerce Street, Suite 800

Nashville, Tennessee 37201

Telephone: (615) 726-5760

Facsimile: (615) 744-5760

Email: kweber@bakerdonelson.com

Email: msutton@bakerdonelson.com

Attorneys for Defendants

### **CERTIFICATE OF SERVICE**

I hereby certify that on December 20, 2016, a copy of *Defendants' Motion for Summary Judgment* was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

R. Patrick Parker, BPR No. 016847

Parker & Associates

1517 Hunt Club Blvd.

Gallatin, Tennessee 37075

Email: [pparker@hardaway.net](mailto:pparker@hardaway.net)

s/ Kenneth A. Weber

Kenneth A. Weber